

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

RALPH BARBA, JR. §  
Plaintiff §  
vs. § Civil Action No. 2:11CV-0254-DF  
U.S. FOODSERVICE, Inc. § JURY  
Defendant §

**AGREED STIPULATION OF DISMISSAL**

Plaintiff Ralph Barba, Jr. and Defendant US Foods, Inc., f/k/a U.S. Foodservice, Inc., pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1), file this Stipulation of Dismissal as follows:

**I.**

Plaintiff Ralph Barba, Jr. (“Plaintiff”) sued U.S. Foodservice, Inc. (“Defendant”).

**II.**

Plaintiff asks this court to sign an order of dismissal on all of Plaintiff’s claims with prejudice to refiling against Defendant.

**III.**

All parties in this matter have conferred and agree to this Stipulation of Dismissal.

Respectfully submitted,

/s/ Bradley T. Steele

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